

REMARKS**Improper Finality**

The Examiner has made the rejection of the claims final stating that Applicants' amendment necessitated the new ground of rejection. Applicants respectfully submit that the final rejection is improper. Specifically, the Examiner originally indicated that claim 23 was allowable. *See* Office Action, dated August 19, 2004. Relying on the Examiner's statement that claim 23 was allowable, Applicants rewrote claim 12 (the independent claim from which claim 23 depended) to include the limitation of claim 23. Claim 12 then contained the exact subject matter of former claim 23 and new issues were not presented. The Examiner has, therefore, rejected the subject matter of claim 23 for the first time and made the rejection final. Accordingly, Applicants have been deprived of the opportunity to amend and/or properly argue the patentability of this subject matter. Accordingly, Applicants request the Examiner to withdraw the finality of the rejection. *See* M.P.E.P. § 706.07(a).

Rejections under 35 U.S.C. § 103(a)

Claims 12-13, 21-22, 37, and 76 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,561,979 to Wood et al. (hereinafter Wood) in view of U.S. Patent No. 5,634,465 to Schmeising et al. (hereinafter Schmeising).

Claims 14-17, 20, and 77-80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Schmeising in further view of U.S. Patent No. 4,649,930 to Groch (hereinafter Groch).

Claims 18-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood in view of Schmeising in further view of U.S. Patent No. 5,427,111 to Traub (hereinafter Traub).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicants assert that the applied references do not satisfy these criteria.

Applicants have amended claim 12 to recite the limitation previously recited in claim 14 and claim 37 to include the limitation previously recited in claim 77.

Claim 12 recites, in part:

wherein the signal processing circuitry of the ECG module includes first amplification and filtering circuitry for signals from the leads and second amplification and filtering circuitry for processing signals from the first amplification and filtering circuitry for application to the handheld module, the first and second amplification and filtering circuitry being electrically isolated whereby a patient is electrically isolated from the handheld unit.

Claim 77 recites, in part:

wherein signal processing circuitry of the electrocardiogram monitor includes first amplification and filtering circuitry for signals from the leads and second amplification and filtering circuitry for processing signals from the first amplification and filtering circuitry for application to the ultrasound device, the first and second amplification and filtering circuitry being electrically isolated whereby a patient is electrically isolated from the ultrasound device.

The Examiner relies on Groch to satisfy these limitations, because the Examiner acknowledges that Wood and Schmeising do not teach or suggest these limitations. Office Action, page 4. Groch is directed to a timing algorithm for synchronizing to a heartbeat of a patient. *See* Abstract of Groch. Groch uses ECG signals obtained from ECG circuitry for the timing algorithm as shown in FIGURE 2. Groch merely discloses that the ECG inputs are connected to “ECG isolation amplifier stage 154.” *See* col. 10, lines 12-14. Because the structure of the ECG circuitry is peripheral to the timing algorithm, ECG isolation amplifier stage 154 is not discussed in detail and is merely represented as a block element in FIGURE 2.

The disclosure of Groch fails to teach or suggest the specific structures recited in claim 12 and 77. Specifically, claims 12 and 77 recite first amplification and filtering circuitry and second amplification and filtering circuitry. The second amplification and filtering circuitry processes signals from the first amplification and filtering circuitry. The first and second amplification and filtering circuitry are electrically isolated. The cited amplification block of Groch does not teach or suggest such circuitry and the electrical

isolation between the circuitry. Additionally, it is well-settled that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *See* MPEP § 2143.03, quoting *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970). A mere block element in a FIGURE without accompanying substantive description cannot satisfy this standard.

Also, the Examiner relies on Traub to support the Examiner’s assertion that optical isolation is known. *See* Office Action page 4. However, Traub is not relied upon to address the above-limitations of claims 12 and 77. Moreover, Traub does not teach or suggest the limitations of claims 12 and 77.

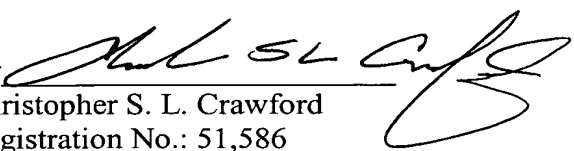
A prima facie case of obviousness has not been established for independent claims 12 and 77. Accordingly, claims 12 and 77 are allowable over the applied references. Applicants submit that the dependent claims are also allowable as depending from an allowable independent claim in addition to the novel and nonobvious limitations recited therein.

Conclusion

In view of the above, Applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 65744/P009CP1/10313153 from which the undersigned is authorized to draw.

Dated: March 18, 2005

Respectfully submitted,

By 
Christopher S. L. Crawford
Registration No.: 51,586
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8387
(214) 855-8200 (Fax)
Attorney for Applicant